

AMENDED IN ASSEMBLY APRIL 29, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2322

Introduced by Assembly Member Feuer Members Feuer and Bass
(Coauthor: Assembly Member Smyth)

February 19, 2010

An act to amend ~~Section 10850.1~~ *Sections 830, 5328, 10850.1, 15610.55, 18951, and 18961.5* of the Welfare and Institutions Code, relating to public social service, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2322, as amended, Feuer. Abuse of children, elder, or dependent persons: confidentiality.

Existing law generally provides for the confidentiality of juvenile court records and records relating to the administration of public social services. However, records connected to public social services program are generally permitted to be disclosed for purposes related to the administration of those program and for other prescribed purposes. ~~Under~~

Under existing law, counties are authorized to establish multidisciplinary *personnel* teams ~~to assist in determining the services to be provided to persons receiving foster care and other public social services trained in the prevention, identification, or treatment of child abuse and neglect cases, or the abuse of elder or dependent persons.~~ Existing law provides, for purposes of the disclosure of information, the activities of multidisciplinary teams engaged in the prevention, identification, and treatment of child abuse or the abuse of elder or

dependent persons are activities performed in the administration of public social services.

This bill would ~~also recast these provisions to provide that activities of multidisciplinary personnel teams engaged in the prevention, identification, management, or treatment of child abuse or neglect, or the prevention, identification, management or treatment of the abuse of an elder or dependent persons person, are activities performed in the administration of public social services.~~

Existing law provides that testimony about discussions relative to the disclosure or exchange of the information or writings during multidisciplinary personnel team meetings is not admissible in any criminal, civil, or juvenile court proceeding.

Existing law also provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families.

This bill would include in the definition of a multidisciplinary personnel team CalWORKs case managers, and social workers with experience or training in child abuse prevention, identification, management, or treatment. This bill would also include information relevant to the provision of child welfare services as information that may be disclosed and exchanged by a multidisciplinary personnel team.

Because the California Constitution provides that a statute excluding relevant evidence in a criminal proceeding requires a $\frac{2}{3}$ vote for passage by the Legislature, this bill requires a $\frac{2}{3}$ vote.

Existing law permits a county to establish a computerized database system to allow provider agencies, as defined, to share specified information regarding families at risk for child abuse or neglect for the purpose of forming a multidisciplinary personnel team to prevent, identify, manage, or treat child abuse.

This bill would permit a county to include in the database information about the need of child welfare services for the purposes of a multidisciplinary personnel team. This bill would permit the database to include information about persons living in a child's home, a contact person instead of the employee assigned to the case from a provider agency, and convictions of family members or persons living in the child's home for crimes that involved a child as a victim.

Existing law makes all information and records obtained in the course of providing intake assessment and services under statutes relating to services for persons with developmental disabilities and persons with

mental illness confidential, and permits disclosure only under prescribed conditions, including, but not limited to, the courts as necessary to the administration of justice.

This bill would recast some, but not all, related confidentiality provisions, to provide that the above information, if relevant to the provision of child welfare services, or the investigation, prevention, identification, management, or treatment of child abuse or neglect, may be disclosed to multidisciplinary personnel teams. This bill would also recast some, but not all, related confidentiality provisions to specify that this information may not be used in a criminal or delinquency proceeding against the person who is the subject of the information, but that evidence identical to the information contained within the records is admissible if obtained by other means as permitted by law.

Existing law permits a psychotherapist, when the psychotherapist opines that a patient presents a serious danger of violence to a reasonably foreseeable victim or victims, to release mental health information or records to that person or persons, and to law enforcement agencies.

This bill would recast some, but not all, related confidentiality provisions to permit a psychotherapist to release the information or records to county child welfare agencies. By imposing a higher level of service on local government, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 830 of the Welfare and Institutions Code*
2 *is amended to read:*

830. Notwithstanding any other provision of law, members of a multidisciplinary personnel team engaged in the prevention, identification, ~~and management~~, or treatment of child abuse or neglect may disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be a part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, *management*, or treatment of child abuse, *or the provision of child welfare services as defined in Section 16501*. All discussions relative to the disclosure or exchange of any such information or writings during team meetings are confidential ~~and, notwithstanding unless disclosure is required by law~~. Notwithstanding any other provision of law, testimony concerning any such discussion is not admissible in any criminal, civil, or juvenile court proceeding.

As used in this section, “child abuse” has the same meaning as defined in Section 18951.

As used in this section, ~~“multidisciplinary personnel team”~~ *personnel*” means ~~any team of three or more persons, a team as specified in Section 18951, the members of which are trained in the prevention, identification, and treatment of child abuse and are qualified to provide a broad range of services related to child abuse.~~

SEC. 2. *Section 5328 of the Welfare and Institutions Code is amended to read:*

5328. All information and records obtained in the course of providing services under Division 4 (commencing with Section 4000), Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100), to either voluntary or involuntary recipients of services shall be confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients prior to 1969 shall also be confidential. Information and records shall be disclosed only in any of the following cases:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his or her guardian or conservator shall be obtained before information

1 or records may be disclosed by a professional person employed
2 by a facility to a professional person not employed by the facility
3 who does not have the medical or psychological responsibility for
4 the patient's care.

5 (b) When the patient, with the approval of the physician, licensed
6 psychologist, social worker with a master's degree in social work,
7 or licensed marriage and family therapist, who is in charge of the
8 patient, designates persons to whom information or records may
9 be released, except that nothing in this article shall be construed
10 to compel a physician, licensed psychologist, social worker with
11 a master's degree in social work, licensed marriage and family
12 therapist, nurse, attorney, or other professional person to reveal
13 information that has been given to him or her in confidence by
14 members of a patient's family. Nothing in this subdivision shall
15 be construed to authorize a licensed marriage and family therapist
16 to provide services or to be in charge of a patient's care beyond
17 his or her lawful scope of practice.

18 (c) To the extent necessary for a recipient to make a claim, or
19 for a claim to be made on behalf of a recipient for aid, insurance,
20 or medical assistance to which he or she may be entitled.

21 (d) If the recipient of services is a minor, ward, or conservatee,
22 and his or her parent, guardian, guardian ad litem, or conservator
23 designates, in writing, persons to whom records or information
24 may be disclosed, except that nothing in this article shall be
25 construed to compel a physician, licensed psychologist, social
26 worker with a master's degree in social work, licensed marriage
27 and family therapist, nurse, attorney, or other professional person
28 to reveal information that has been given to him or her in
29 confidence by members of a patient's family.

30 (e) For research, provided that the Director of Mental Health
31 or the Director of Developmental Services designates by regulation,
32 rules for the conduct of research and requires the research to be
33 first reviewed by the appropriate institutional review board or
34 boards. The rules shall include, but need not be limited to, the
35 requirement that all researchers shall sign an oath of confidentiality
36 as follows:

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Date

1 As a condition of doing research concerning persons who have
2 received services from ____ (fill in the facility, agency or person),
3 I, ____, agree to obtain the prior informed consent of such persons
4 who have received services to the maximum degree possible as
5 determined by the appropriate institutional review board or boards
6 for protection of human subjects reviewing my research, and I
7 further agree not to divulge any information obtained in the course
8 of such research to unauthorized persons, and not to publish or
9 otherwise make public any information regarding persons who
10 have received services such that the person who received services
11 is identifiable.

12 I recognize that the unauthorized release of confidential
13 information may make me subject to a civil action under provisions
14 of the Welfare and Institutions Code.

15 (f) To the courts, as necessary to the administration of justice.

16 (g) To governmental law enforcement agencies as needed for
17 the protection of federal and state elective constitutional officers
18 and their families.

19 (h) To the Senate Committee on Rules or the Assembly
20 Committee on Rules for the purposes of legislative investigation
21 authorized by the committee.

22 (i) If the recipient of services who applies for life or disability
23 insurance designates in writing the insurer to which records or
24 information may be disclosed.

25 (j) To the attorney for the patient in any and all proceedings
26 upon presentation of a release of information signed by the patient,
27 except that when the patient is unable to sign the release, the staff
28 of the facility, upon satisfying itself of the identity of the attorney,
29 and of the fact that the attorney does represent the interests of the
30 patient, may release all information and records relating to the
31 patient except that nothing in this article shall be construed to
32 compel a physician, licensed psychologist, social worker with a
33 master's degree in social work, licensed marriage and family
34 therapist, nurse, attorney, or other professional person to reveal
35 information that has been given to him or her in confidence by
36 members of a patient's family.

37 (k) Upon written agreement by a person previously confined in
38 or otherwise treated by a facility, the professional person in charge
39 of the facility or his or her designee may release any information,
40 except information that has been given in confidence by members

1 of the person's family, requested by a probation officer charged
2 with the evaluation of the person after his or her conviction of a
3 crime if the professional person in charge of the facility determines
4 that the information is relevant to the evaluation. The agreement
5 shall only be operative until sentence is passed on the crime of
6 which the person was convicted. The confidential information
7 released pursuant to this subdivision shall be transmitted to the
8 court separately from the probation report and shall not be placed
9 in the probation report. The confidential information shall remain
10 confidential except for purposes of sentencing. After sentencing,
11 the confidential information shall be sealed.

12 (l) Between persons who are trained and qualified to serve on
13 multidisciplinary personnel teams pursuant to subdivision (d) of
14 Section 18951. The information and records sought to be disclosed
15 shall be relevant to the *provision of child welfare services pursuant*
16 *to Section 16501, or the investigation, prevention, identification,*
17 *management, or treatment of an abused child and his or her parents*
18 *child abuse or neglect* pursuant to Chapter 11 (commencing with
19 Section 18950) of Part 6 of Division 9. *Information obtained*
20 *pursuant to this subdivision may not be used in any criminal or*
21 *delinquency proceeding against the person who is the subject of*
22 *the information. Nothing in this subdivision shall prohibit evidence*
23 *identical to that contained within the records from being admissible*
24 *in a criminal or delinquency proceeding, if the evidence is derived*
25 *solely from means other than this subdivision, as permitted by law.*

26 (m) To county patients' rights advocates who have been given
27 knowing voluntary authorization by a client or a guardian ad litem.
28 The client or guardian ad litem, whoever entered into the
29 agreement, may revoke the authorization at any time, either in
30 writing or by oral declaration to an approved advocate.

31 (n) To a committee established in compliance with Section
32 4070.

33 (o) In providing information as described in Section 7325.5.
34 Nothing in this subdivision shall permit the release of any
35 information other than that described in Section 7325.5.

36 (p) To the county mental health director or the director's
37 designee, or to a law enforcement officer, or to the person
38 designated by a law enforcement agency, pursuant to Sections
39 5152.1 and 5250.1.

(q) If the patient gives his or her consent, information specifically pertaining to the existence of genetically handicapping conditions, as defined in Section 125135 of the Health and Safety Code, may be released to qualified professional persons for purposes of genetic counseling for blood relatives upon request of the blood relative. For purposes of this subdivision, “qualified professional persons” means those persons with the qualifications necessary to carry out the genetic counseling duties under this subdivision as determined by the genetic disease unit established in the State Department of Health Services under Section 125000 of the Health and Safety Code. If the patient does not respond or cannot respond to a request for permission to release information pursuant to this subdivision after reasonable attempts have been made over a two-week period to get a response, the information may be released upon request of the blood relative.

(r) When the patient, in the opinion of his or her psychotherapist, presents a serious danger of violence to a reasonably foreseeable victim or victims, then any of the information or records specified in this section may be released to that person or persons and to law enforcement agencies *and county child welfare agencies* as the psychotherapist determines is needed for the protection of that person or persons. For purposes of this subdivision, “psychotherapist” means anyone so defined within Section 1010 of the Evidence Code.

(s) (1) To the designated officer of an emergency response employee, and from that designated officer to an emergency response employee regarding possible exposure to HIV or AIDS, but only to the extent necessary to comply with provisions of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101-381; 42 U.S.C. Sec. 201).

(2) For purposes of this subdivision, “designated officer” and “emergency response employee” have the same meaning as these terms are used in the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101-381; 42 U.S.C. Sec. 201).

(3) The designated officer shall be subject to the confidentiality requirements specified in Section 120980, and may be personally liable for unauthorized release of any identifying information about the HIV results. Further, the designated officer shall inform the exposed emergency response employee that the employee is also subject to the confidentiality requirements specified in Section

1 120980, and may be personally liable for unauthorized release of
2 any identifying information about the HIV test results.

3 (t) (1) To a law enforcement officer who personally lodges with
4 a facility, as defined in paragraph (2), a warrant of arrest or an
5 abstract of such a warrant showing that the person sought is wanted
6 for a serious felony, as defined in Section 1192.7 of the Penal
7 Code, or a violent felony, as defined in Section 667.5 of the Penal
8 Code. The information sought and released shall be limited to
9 whether or not the person named in the arrest warrant is presently
10 confined in the facility. This paragraph shall be implemented with
11 minimum disruption to health facility operations and patients, in
12 accordance with Section 5212. If the law enforcement officer is
13 informed that the person named in the warrant is confined in the
14 facility, the officer may not enter the facility to arrest the person
15 without obtaining a valid search warrant or the permission of staff
16 of the facility.

17 (2) For purposes of paragraph (1), a facility means all of the
18 following:

19 (A) A state hospital, as defined in Section 4001.

20 (B) A general acute care hospital, as defined in subdivision (a)
21 of Section 1250 of the Health and Safety Code, solely with regard
22 to information pertaining to a mentally disordered person subject
23 to this section.

24 (C) An acute psychiatric hospital, as defined in subdivision (b)
25 of Section 1250 of the Health and Safety Code.

26 (D) A psychiatric health facility, as described in Section 1250.2
27 of the Health and Safety Code.

28 (E) A mental health rehabilitation center, as described in Section
29 5675.

30 (F) A skilled nursing facility with a special treatment program
31 for chronically mentally disordered patients, as described in
32 Sections 51335 and 72445 to 72475, inclusive, of Title 22 of the
33 California Code of Regulations.

34 (u) Between persons who are trained and qualified to serve on
35 multidisciplinary personnel teams pursuant to Section 15610.55,
36 15753.5, or 15761. The information and records sought to be
37 disclosed shall be relevant to the prevention, identification,
38 management, or treatment of an abused elder or dependent adult
39 pursuant to Chapter 13 (commencing with Section 15750) of Part
40 3 of Division 9.

1 (v) The amendment of subdivision (d) enacted at the 1970
2 Regular Session of the Legislature does not constitute a change
3 in, but is declaratory of, the preexisting law.

4 (w) This section shall not be limited by Section 5150.05 or 5332.

5 (x) (1) When an employee is served with a notice of adverse
6 action, as defined in Section 19570 of the Government Code, the
7 following information and records may be released:

8 (A) All information and records that the appointing authority
9 relied upon in issuing the notice of adverse action.

10 (B) All other information and records that are relevant to the
11 adverse action, or that would constitute relevant evidence as
12 defined in Section 210 of the Evidence Code.

13 (C) The information described in subparagraphs (A) and (B)
14 may be released only if both of the following conditions are met:

15 (i) The appointing authority has provided written notice to the
16 consumer and the consumer's legal representative or, if the
17 consumer has no legal representative or if the legal representative
18 is a state agency, to the clients' rights advocate, and the consumer,
19 the consumer's legal representative, or the clients' rights advocate
20 has not objected in writing to the appointing authority within five
21 business days of receipt of the notice, or the appointing authority,
22 upon review of the objection has determined that the circumstances
23 on which the adverse action is based are egregious or threaten the
24 health, safety, or life of the consumer or other consumers and
25 without the information the adverse action could not be taken.

26 (ii) The appointing authority, the person against whom the
27 adverse action has been taken, and the person's representative, if
28 any, have entered into a stipulation that does all of the following:

29 (I) Prohibits the parties from disclosing or using the information
30 or records for any purpose other than the proceedings for which
31 the information or records were requested or provided.

32 (II) Requires the employee and the employee's legal
33 representative to return to the appointing authority all records
34 provided to them under this subdivision, including, but not limited
35 to, all records and documents from any source containing
36 confidential information protected by this section, and all copies
37 of those records and documents, within 10 days of the date that
38 the adverse action becomes final except for the actual records and
39 documents or copies thereof that are no longer in the possession
40 of the employee or the employee's legal representative because

1 they were submitted to the administrative tribunal as a component
2 of an appeal from the adverse action.

3 (III) Requires the parties to submit the stipulation to the
4 administrative tribunal with jurisdiction over the adverse action
5 at the earliest possible opportunity.

6 (2) For the purposes of this subdivision, the State Personnel
7 Board may, prior to any appeal from adverse action being filed
8 with it, issue a protective order, upon application by the appointing
9 authority, for the limited purpose of prohibiting the parties from
10 disclosing or using information or records for any purpose other
11 than the proceeding for which the information or records were
12 requested or provided, and to require the employee or the
13 employee's legal representative to return to the appointing authority
14 all records provided to them under this subdivision, including, but
15 not limited to, all records and documents from any source
16 containing confidential information protected by this section, and
17 all copies of those records and documents, within 10 days of the
18 date that the adverse action becomes final, except for the actual
19 records and documents or copies thereof that are no longer in the
20 possession of the employee or the employee's legal representatives
21 because they were submitted to the administrative tribunal as a
22 component of an appeal from the adverse action.

23 (3) Individual identifiers, including, but not limited to, names,
24 social security numbers, and hospital numbers, that are not
25 necessary for the prosecution or defense of the adverse action,
26 shall not be disclosed.

27 (4) All records, documents, or other materials containing
28 confidential information protected by this section that has been
29 submitted or otherwise disclosed to the administrative agency or
30 other person as a component of an appeal from an adverse action
31 shall, upon proper motion by the appointing authority to the
32 administrative tribunal, be placed under administrative seal and
33 shall not, thereafter, be subject to disclosure to any person or entity
34 except upon the issuance of an order of a court of competent
35 jurisdiction.

36 (5) For purposes of this subdivision, an adverse action becomes
37 final when the employee fails to answer within the time specified
38 in Section 19575 of the Government Code, or, after filing an
39 answer, withdraws the appeal, or, upon exhaustion of the

1 administrative appeal or of the judicial review remedies as
2 otherwise provided by law.

3 **SECTION 1.**

4 *SEC. 3.* Section 10850.1 of the Welfare and Institutions Code
5 is amended to read:

6 10850.1. Notwithstanding any other provision of law, for
7 purposes of Section 10850, the activities of a multidisciplinary
8 personnel team engaged in the prevention, identification,
9 ~~management, and treatment of child abuse or the abuse of elder~~
10 *management, or treatment of child abuse or neglect, or of the*
11 *abuse of elder* or dependent persons are activities performed in
12 the administration of public social services, and a member of the
13 team may disclose and exchange any information or writing that
14 also is kept or maintained in connection with any program of public
15 social services or otherwise designated as confidential under state
16 law which he or she reasonably believes is relevant to the
17 prevention, identification, management, or treatment of child abuse
18 ~~or neglect, or of the abuse of elder or dependent persons to other~~
19 members of the team. All discussions relative to the disclosure or
20 exchange of any such information or writing during team meetings
21 are confidential and, notwithstanding any other provision of law,
22 testimony concerning any such discussion is not admissible in any
23 criminal, civil, or juvenile court proceeding.

24 As used in this section, “child abuse” has the same meaning as
25 defined in Section 18951. As used in this section, “abuse of elder
26 or dependent persons” has the meaning given in Section ~~15610~~
27 *15610.07*.

28 As used in this section, “multidisciplinary personnel team” means
29 ~~any team of three or more persons; a team as specified in Section~~
30 ~~15715 15610.55 relative to the abuse of elder or dependent persons~~
31 ~~or 18951, the members of which are trained in the prevention,~~
32 ~~identification, management, and treatment of child abuse or the~~
33 ~~abuse of elder or dependent persons and are qualified to provide~~
34 ~~a broad range of services related to child abuse or the abuse of~~
35 ~~elder or dependent persons. 18951 relative to child abuse or~~
36 ~~neglect.~~

37 *SEC. 4. Section 15610.55 of the Welfare and Institutions Code*
38 *is amended to read:*

39 15610.55. (a) “Multidisciplinary personnel team” means any
40 team of two or more persons who are trained in the prevention,

1 identification,~~and~~ *management, or* treatment of abuse of elderly
2 or dependent adults and who are qualified to provide a broad range
3 of services related to abuse of elderly or dependent adults.

4 (b) A multidisciplinary personnel team may include, but ~~is~~ *need*
5 *not be* limited to, ~~all~~ *any* of the following:

6 (1) Psychiatrists, psychologists, or other trained counseling
7 personnel.

8 (2) Police officers or other law enforcement agents.

9 (3) Medical personnel with sufficient training to provide health
10 services.

11 (4) Social workers with experience or training in prevention of
12 abuse of elderly or dependent adults.

13 (5) Public guardians.

14 (6) The local long-term care ombudsman.

15 *SEC. 5. Section 18951 of the Welfare and Institutions Code is*
16 *amended to read:*

17 18951. As used in this chapter:

18 (a) “Child” means an individual under ~~the age of 18 years~~ *18*
19 *years of age.*

20 (b) “Child services” means services for or on behalf of children,
21 and includes the following:

22 (1) Protective services.

23 (2) Caretaker services.

24 (3) Day care services, including dropoff care.

25 (4) Homemaker services or family aides.

26 (5) Counseling services.

27 (c) “Adult services” means services for or on behalf of a parent
28 of a child, which shall include, but not be limited to, the following:

29 (1) Access to voluntary placement, long or short term.

30 (2) Counseling services before and after a crisis.

31 (3) Homemaker services or family aides.

32 (d) “Multidisciplinary personnel” means any team of three or
33 more persons who are trained in the prevention, identification,~~and~~
34 *management, or* treatment of child abuse ~~and or~~ neglect cases and
35 who are qualified to provide a broad range of services related to
36 child abuse *or neglect*. The team may include, but ~~not be~~ *need not*
37 *be* limited to, *any of the following*:

38 (1) Psychiatrists, psychologists, marriage and family therapists,
39 or other trained counseling personnel.

40 (2) Police officers or other law enforcement agents.

1 (3) Medical personnel with sufficient training to provide health
2 services.

3 (4) Social workers with experience or training in child abuse
4 prevention, *identification, management, or treatment*.

5 (5) ~~Any~~—A public or private school teacher, administrative
6 officer, supervisor of child welfare and attendance, or certificated
7 pupil personnel employee.

8 (6) *A CalWORKs case manager, whose primary responsibility*
9 *is to provide cross program case planning and coordination of*
10 *CalWORKs and child welfare services for mutual cases or families*
11 *that may be eligible for CalWORKs services.*

12 (e) “Child abuse” as used in this chapter means a situation in
13 which a child suffers from any one or more of the following:

14 (1) Serious physical injury inflicted upon the child by other than
15 accidental means.

16 (2) Harm by reason of intentional neglect or malnutrition or
17 sexual abuse.

18 (3) Going without necessary and basic physical care.

19 (4) Willful mental injury, negligent treatment, or maltreatment
20 of a child under the age of 18 years by a person who is responsible
21 for the child’s welfare under circumstances that indicate that the
22 child’s health or welfare is harmed or threatened thereby, as
23 determined in accordance with regulations prescribed by the
24 Director of Social Services.

25 (5) Any condition that results in the violation of the rights or
26 physical, mental, or moral welfare of a child or jeopardizes the
27 child’s present or future health, opportunity for normal
28 development or capacity for independence.

29 (f) “Parent” means any person who exercises care, custody, and
30 control of the child as established by law.

31 *SEC. 6. Section 18961.5 of the Welfare and Institutions Code*
32 *is amended to read:*

33 18961.5. (a) Notwithstanding any other provision of law, any
34 county may establish a computerized ~~data base~~ *database* system
35 within that county to allow provider agencies, as defined in
36 subdivision (h), to share identifying information, as specified in
37 subdivision (c), regarding families at risk for child abuse or
38 ~~neglector in need of child welfare services, for the purpose of~~
39 ~~forming purposes of a multidisciplinary personnel teams team,~~ as
40 defined in subdivision (d) of Section 18951, for the prevention,

1 identification, management, or treatment of child abuse, *or for the*
2 *provision of welfare services to a child or child's family.*

3 (b) Each county shall develop its own standards for defining
4 “at risk” and “in need of child welfare services” before joining
5 this system. Only information about children ~~or~~, the families of
6 children, *and persons living in the child's home*, at risk for child
7 abuse or neglect *or in need of child welfare services* may be entered
8 into a computerized ~~data base~~ *database* system established pursuant
9 to this section.

10 (c) With regard to a case in which a child or family has been
11 identified as at risk for child abuse or neglect *or in need of child*
12 *welfare services* under this section, only the following information
13 shall be entered into the system:

14 (1) The name, address, telephone number, and date and place
15 of birth of family members *and persons living in the child's home.*

16 (2) The number assigned to the case by each provider agency.

17 (3) The name and telephone number of each employee assigned
18 to the case, *or a contact person*, from each provider agency.

19 (4) The date or dates of contact between each provider agency
20 and a family member ~~or family members~~ *a person living in the*
21 *child's home.*

22 (5) *Convictions of family members and persons living in the*
23 *child's home for crimes that involved a child as a victim.*

24 (d) The information may only be entered into the system by, or
25 disclosed to, provider agency employees designated by the director
26 of each participating provider agency. Members of the
27 multidisciplinary personnel teams shall be drawn from these
28 designated employees, or other persons, as specified in Section
29 18961. The heads of provider agencies shall establish a system by
30 which unauthorized personnel cannot access the data contained in
31 the system.

32 (e) The information obtained pursuant to this section shall be
33 kept confidential and shall be used solely for the prevention,
34 identification, management, or treatment of child abuse, child
35 neglect, or both.

36 (f) This section shall not supplant any duties required by the
37 Child Abuse and Neglect Reporting Act (Article 2.5 (commencing
38 with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal
39 Code).

(g) No employee of a provider agency which serves children and their families shall be civilly or criminally liable for furnishing or sharing information as authorized by this section.

(h) For the purposes of this section, “provider agency” means any governmental or other agency which has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect. The provider agencies serving children and their families which may share information under this section shall include, but not be limited to, the following entities or service agencies:

- (1) Social services.
- (2) Children’s services.
- (3) Health services.
- (4) Mental health services.
- (5) Probation.
- (6) Law enforcement.
- (7) Schools.

SEC. 7. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the safety of children and families by helping county employees better identify instances of child abuse and neglect, it is necessary that this act take effect immediately.